

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: JAMES F. HUMPHREYS & ASSOCIATES, L.C

Debtor.

MACK B. KING.

Appellant,

v.

CIVIL ACTION NO. 2:19-cv-00614

JAMES F. HUMPHREYS & ASSOCIATES, L.C.

Appellee.

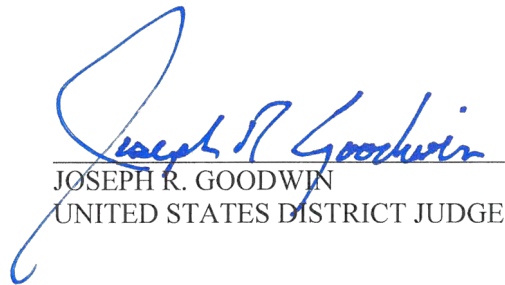
**ORDER**

Upon consideration of the Motion to Dismiss Appeal of Mack King (the “Motion”), and the Memorandum of Law in Support thereof, the Court finds that the Motion is ripe for decision and may be decided without oral argument.

The Court finds that the docket of the United States Bankruptcy Court for the Southern District of West Virginia establishes that the letter from appellant, Mack B. King—treated as a Notice of Appeal from the Bankruptcy Court’s Order of July 31, 2019—was not timely filed. The letter was filed on August 19, 2019, which was after the 14-day period authorized by Federal Rule of Bankruptcy Procedure 8002(a)(1). Mr. King did not request an extension of time for filing a notice of appeal from the Bankruptcy Court pursuant to Federal Rule of Bankruptcy Procedure 8002(c). The filing deadline rules for bankruptcy appeals are jurisdictional and must be strictly construed. *See Smith v. Dairymen, Inc.*, 790 F.2d 1107 (4th Cir.1986); *In re Starcher*,

255 B.R. 292, 293 (S.D.W. Va. 2000). Although the Court understands the pro se nature of Mr. King's Notice of Appeal, that fact cannot alter the jurisdictional rules. The Court finds that it lacks jurisdiction over this Appeal. The Court thus **GRANTS** the appellees, James F. Humphreys & Associates, L.C.'s Motion to Dismiss Appeal of Mack King. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER:        October 15, 2019

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE